

Gov. Doc.
Can.
D

Canada. Dominion Land Surveyors.
" Board of Examiners for

(BOARD OF EXAMINERS FOR DOMINION
LAND SURVEYORS)

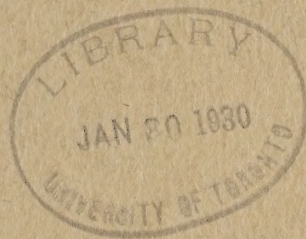


EXAMPLES OF DESCRIPTIONS

BY

F. H. PETERS

Surveyor General of Dominion Lands and Chairman of the Board of Examiners
for Dominion Land Surveyors



OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1930

BOARD OF EXAMINERS FOR DOMINION
LAND SURVEYORS

EXAMPLES OF DESCRIPTIONS


BY

F. H. PETERS

Surveyor General of Dominion Lands and Chairman of the Board of Examiners
for Dominion Land Surveyors



OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1930



Digitized by the Internet Archive
in 2024 with funding from
University of Toronto

FOREWORD

The following few examples of descriptions have been prepared for the guidance of intending candidates for the examinations set by the Board of Examiners for Dominion Land Surveyors. Nothing comprehensive is herein attempted but in the notes appended to the examples an endeavour has been made to call attention to certain points which should be helpful.

A description should be so written that a qualified surveyor may, by following it, mark out on the ground precisely the boundaries of the area which is described. To permit of this the description must be perfectly clear and capable of only one interpretation, in other words entirely free from all possible ambiguity.

It is difficult to word a description without the possibility of ambiguity. The more words used the more possibility there is of it, so that for this reason in writing descriptions brevity is desirable. To avoid the possibility of ambiguity it is good practice to describe one distance, direction or operation once only; for example, experience has shown that there is a possibility of contradiction in stating a distance or a direction first in words and then in figures. In the examples given here, distances and directions are stated in words only.

It is common practice in literary work to use synonyms, that is, to use different words of the same or nearly the same meaning to describe the same thing at different times. This, of course, if applied to descriptions, would throw the door wide open for ambiguity to creep in. In writing descriptions, therefore, the use of synonyms should be studiously avoided; the same word or the same expression in each description should be used in referring to the same thing.

The writing of descriptions cannot be entirely governed by fixed rules. The variety of cases met with in practice is very great and different cases will require different treatment. It may be accepted as a safe rule that methods of description should be standardized so far as possible as this tends to produce a repetition of language found to be clear and free from ambiguity, or of which a definite interpretation has become accepted by common usage. This rule, if followed slavishly has, however, the disadvantage that it bars the way to improvement of methods and is no doubt responsible for the present-day retention of certain words or expressions which, if judged impartially and without reference to precedent, may be criticized. For example, if there are two boundary monuments or marks set in the ground it is the rule that in writing a description the surveyor's measurement of the distance between them must be qualified by the words "more or less," but no such qualification is required of the surveyor's measurement of the direction between them. This seems inconsistent, particularly bearing in mind the fact that when this practice became established the compass was in common use for measuring directions; the shortcomings of this instrument for establishing precise directions are now too well understood to require any comment. Furthermore, in the case cited it is the positions of the monuments or marks upon the ground which govern, irrespective of any error in either the stated distance or direction.

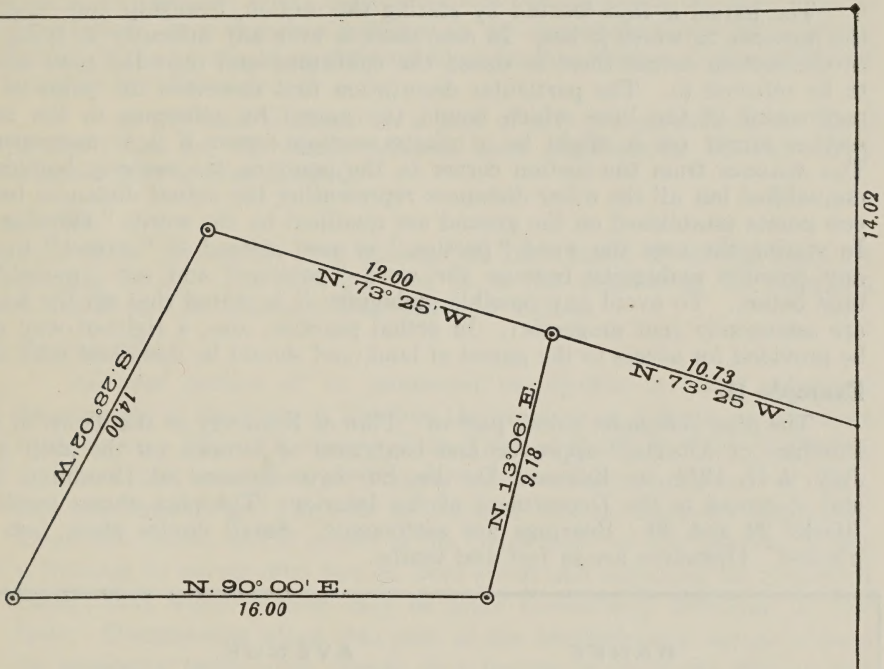
The phraseology used in the following examples is in accordance with the practice approved for preparing descriptions of Dominion lands, but this varies in the different provinces in accordance with local practice.

F. H. PETERS,
Surveyor General.

EXAMPLES OF DESCRIPTIONS

Example I.

Make a complete description for registration of the parcel of land posted with four iron posts indicated by small circles on the plan which shows the northeast corner of section 23 of township 46, range 23, west of the Fourth meridian, in the province of Alberta, approved and confirmed at Ottawa on the 4th day of May, A.D. 1894, by Edouard Deville, Surveyor General of Dominion Lands, and of record in the Land Titles Office for the North Alberta Land Registration District.



(Distances in Chains)

DESCRIPTION

All that portion of section twenty-three in township forty-six, range twenty-three, west of the Fourth meridian, in the province of Alberta, as the said section is shown on a plan of survey of said township, approved and confirmed at Ottawa on the fourth day of May, eighteen hundred and ninety-four, by Edouard Deville, Surveyor General of Dominion Lands, of record in the Department of the Interior, and of record also in the Land Titles Office for the North Alberta Land Registration District, which portion may be more particularly described as follows: Commencing at an iron post distant ten chains and seventy-three links, more or less, on a bearing of north seventy-three degrees and twenty-five minutes west from a point on the easterly boundary of said section which said point is distant fourteen chains and two links southerly from the northeast corner of said section; thence on a bearing of north seventy-three degrees and twenty-five minutes west a distance of twelve chains more or less to an iron post; thence on a bearing of south twenty-

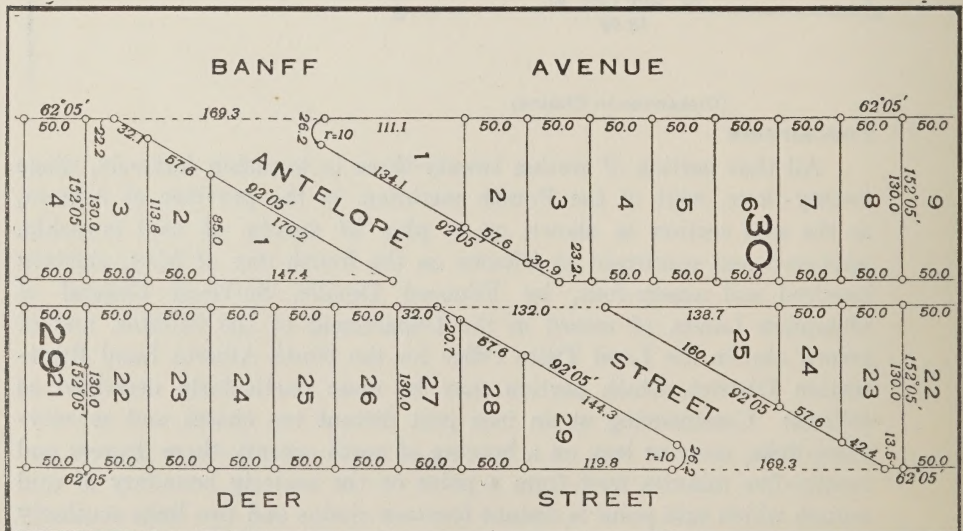
eight degrees and two minutes west a distance of fourteen chains more or less to an iron post; thence on a bearing of north ninety degrees east a distance of sixteen chains more or less to an iron post; thence on a bearing of north thirteen degrees and six minutes east a distance of nine chains and eighteen links more or less to the point of commencement, all the said bearings being astronomic; the said portion containing by admeasurement an area of fifteen acres and thirty-eight one-hundredths of an acre, more or less.

NOTES

The parcel is first located by stating the section, township and range, and the province in which it lies. In case there is ever any difficulty in tying again to the section corner there is stated the confirmed and recorded plan which is to be referred to. The particular description first describes the point of commencement of the lines which bound the parcel by reference to the nearest section corner (or it might be a quarter-section corner if it is monumented). The distance from the section corner to the point on the easterly boundary is unqualified but all the other distances representing the actual distances between two points established on the ground are qualified by the words "more or less." In stating the area the word "portion" is used instead of "parcel" to avoid any possible ambiguity because the word "portion" and not "parcel" was used before. To avoid any possible ambiguity it is stated that all the bearings are astronomic (not magnetic). In actual practice, also, a right-of-way should be provided for access to the parcel of land, and should be described with it.

Example II.

The plan hereunder shows part of "Plan of Resurvey of the Town of Banff, Province of Alberta," approved and confirmed at Ottawa on the 29th day of July, A.D. 1914, by Edouard Deville, Surveyor General of Dominion Lands, and of record in the Department of the Interior. The plan shows portions of Blocks 29 and 30. Bearings are astronomic. Small circles show iron posts planted. Distances are in feet and tenths.



Make a description for a deed of the whole lot 24, block 29, as shown by the above plan.

DESCRIPTION

The whole of lot numbered twenty-four in block numbered twenty-nine in the town of Banff in the province of Alberta, as the same is shown on a Plan of Resurvey of the Town of Banff, Province of Alberta, approved and confirmed at Ottawa on the twenty-ninth day of July, nineteen hundred and fourteen, by Edouard Deville, Surveyor General of Dominion Lands, and of record in the Department of the Interior.

NOTES

The townsite of Banff is owned by the Dominion and the confirmed plan of record in the Department of the Interior may be referred to in the same way as a registered plan. It is therefore sufficient to say the *whole* of the lot as shown on the plan. If the lot was in an ordinary townsite the reference to the registered plan would be as follows:—

. . . as the same is shown on a plan of survey registered in the Land Titles Office for the South Alberta Land Registration District under number 2079 in Day Book Q.

Example III.

A sells to B, twenty-five feet frontage on Deer street of lot 25, block 29, and adjoining lot 24. The dividing line is to be parallel to the boundary between lots 25 and 24. Make a description for a deed.

DESCRIPTION

All that portion of lot numbered twenty-five in block numbered twenty-nine in the town of Banff in the province of Alberta, as the same is shown on a Plan of Resurvey of the Town of Banff, Province of Alberta, approved and confirmed at Ottawa on the twenty-ninth day of July, nineteen hundred and fourteen, by Edouard Deville, Surveyor General of Dominion Lands, and of record in the Department of the Interior, having a frontage of twenty-five feet on Deer street and adjoining lot numbered twenty-four which portion may be more particularly described as follows: Commencing at an iron post at the southwesterly corner of said lot numbered twenty-five, thence on a bearing of sixty-two degrees and five minutes along the southerly boundary of said lot a distance of twenty-five feet to a point; thence northerly parallel to the westerly boundary of said lot a distance of one hundred and thirty feet, more or less, to a point on the northerly boundary of said lot; thence on a bearing of two hundred and forty-two degrees and five minutes along the northerly boundary of said lot a distance of twenty-five feet, more or less, to an iron post at the northwesterly corner of said lot; thence on a bearing of one hundred and fifty-two degrees and five minutes along the westerly boundary of said lot a distance of one hundred and thirty feet, more or less, to the point of commencement.

NOTES

The lots are not oriented due north and south and east and west so reference is made to the southwesterly corner and the southerly boundary instead of the southwest corner and the south boundary. Note that the description is so worded that there is no doubt that the new dividing line is parallel to the westerly boundary of the lot. Bearings from 0° to 360° are used in the description

instead of the usual quadrant bearings, such as $332^{\circ} 05'$ instead of north $27^{\circ} 55'$ west, because that system having been used on the plan referred to it is better to follow it in the description based on the plan.

The question does not call for a computation of the area. If this were required the area would be computed and stated at the end of the description in the usual form:

the said portion containing by admeasurement an area of nine thousand seven hundred and fifty square feet, more or less.

If it was required to describe the curved boundary between the two iron posts at the easterly end of lot 29, it would be done in this way:

to an iron post at the northeasterly corner of said lot; thence on a tangential circular curve to the right having a radius of ten feet a distance of twenty-six feet and two-tenths of a foot, more or less, to an iron post at the southeasterly corner of said lot; . . .

Example IV.

A sells to C the remaining part of lot 25, block 29. Make a description for a deed.

To answer this question correctly it is necessary to describe the remainder of the lot being sold to C in such a way that there can be no possible confliction with the part which has already been sold to B. There are two methods by which this can be done.

DESCRIPTION

First Method.—The whole of lot numbered twenty-five in block numbered twenty-nine in the town of Banff in the province of Alberta, as the same is shown on a Plan of Resurvey of the Town of Banff, Province of Alberta, approved and confirmed at Ottawa on the twenty-ninth day of July, nineteen hundred and fourteen, by Edouard Deville, Surveyor General of Dominion Lands, and of record in the Department of the Interior, saving and excepting thereout and therefrom all that portion having a frontage of twenty-five feet on Deer street and adjoining lot numbered twenty-four, which excepted portion may be more particularly described as follows: Commencing at an iron post at the southwesterly corner of said lot numbered twenty-five, thence on a bearing of sixty-two degrees and five minutes along the southerly boundary of said lot a distance of twenty-five feet to a point; thence northerly parallel to the westerly boundary of said lot a distance of one hundred and thirty feet, more or less, to a point on the northerly boundary of said lot; thence on a bearing of two hundred and forty-two degrees and five minutes along the northerly boundary of said lot a distance of twenty-five feet, more or less, to an iron post at the northwesterly corner of said lot; thence on a bearing of one hundred and fifty-two degrees and five minutes along the westerly boundary of said lot a distance of one hundred and thirty feet, more or less, to the point of commencement.

NOTES

This is really a description by exception. In describing the portion excepted one should always use precisely the same wording as in the deed of it. By this method A has disposed of the whole of the lot and there can be no confliction

between B and C. The method is perhaps the best when there are a number of portions to be excepted and the boundary lines of the remainder are complicated. The weakness of the method is that it does not give a direct or complete description by metes and bounds of the portion which is being sold to C.

DESCRIPTION

Second Method.—All that portion of lot numbered twenty-five in block numbered twenty-nine in the town of Banff in the province of Alberta, as the same is shown on a Plan of Resurvey of the Town of Banff, Province of Alberta, approved and confirmed at Ottawa on the twenty-ninth day of July, nineteen hundred and fourteen, by Edouard Deville, Surveyor General of Dominion Lands, and of record in the Department of the Interior, adjoining lot numbered twenty-six and which portion may be more particularly described as follows: Commencing at a point on the southerly boundary of said lot distant twenty-five feet measured easterly along said southerly boundary from an iron post at the southwesterly corner of said lot; thence northerly parallel to the westerly boundary of said lot a distance of one hundred and thirty feet, more or less, to a point on the northerly boundary of said lot; thence on a bearing of sixty-two degrees and five minutes along the northerly boundary of said lot a distance of twenty-five feet, more or less, to an iron post at the northeasterly corner of said lot; thence on a bearing of one hundred and fifty-two degrees and five minutes along the easterly boundary of said lot a distance of one hundred and thirty feet, more or less, to an iron post at the southeasterly corner of said lot; thence on a bearing of two hundred and forty-two degrees and five minutes along the southerly boundary of said lot a distance of twenty-five feet, more or less, to the point of commencement.

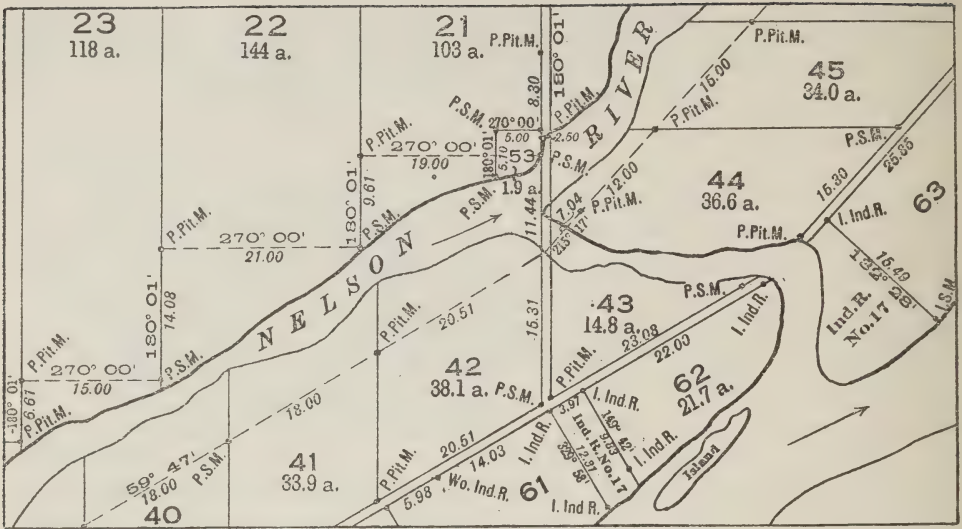
NOTES

This is the better method of description in this simple case. It gives a direct description of the portion being conveyed. The westerly boundary of the portion is described in the same way as the easterly boundary of the portion previously sold and referenced to the same southwesterly corner so there can be no confliction. The measurements along the northerly and southerly boundaries are qualified by the words "more or less" so that if the whole lot is not exactly fifty feet wide, C gets whatever width is left after B gets his specified width of twenty-five feet.

Example V.

The diagram is an extract from the second edition of the Plan of Norway House Settlement, Manitoba, approved and confirmed at Ottawa on May 10, 1918, by Edouard Deville, Surveyor General of Dominion Lands, and of record in the Department of the Interior.

The measurements are given in chains. The bearings are astronomic.



Prepare a description by metes and bounds of that portion of the west half of lot 22 lying to the south of the base line across the lot.

DESCRIPTION

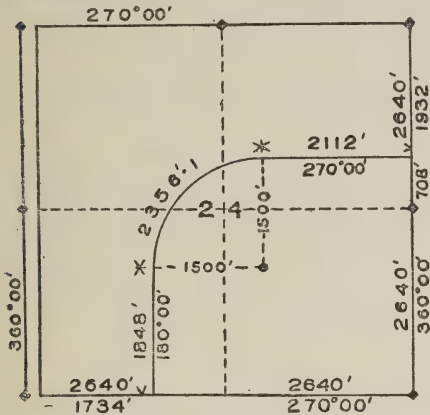
That certain parcel of land situate in the southerly part of lot twenty-two in Norway House Settlement in the province of Manitoba as the said lot is shown upon the second edition of the plan of the said settlement, approved and confirmed at Ottawa on the tenth day of May, one thousand nine hundred and eighteen, by Edouard Deville, Surveyor General of Dominion Lands, and of record in the Department of the Interior, which said parcel may be more particularly described as follows: Commencing at a standard post, pits and mound on the west boundary of the said lot twenty-two approximately sixteen chains north of the left bank of the east channel of Nelson river; thence on an astronomical bearing of ninety degrees along the base line, a distance of ten chains and fifty links, more or less, to a point midway between the west boundary and the east boundary of the said lot twenty-two; thence southerly and parallel to the west boundary of the said lot twenty-two to the intersection with the left bank of Nelson river; thence southwesterly along the said left bank to its intersection with the west boundary of the said lot twenty-two; thence northerly along the said west boundary a distance of sixteen chains more or less to the point of commencement; containing by admeasurement an area of thirteen acres more or less.

NOTES

To prepare this description it is necessary to first understand just what parcel of land is to be described. The term "west half" is not used in the mathematical sense to mean the west half by area but means the west half in width of the lot. A knowledge of the Dominion Lands system of survey should make it clear that the broken line across the lot represents the base line. The measurement of 14.08 chains is the distance between the two monuments. As

a matter of facility in preparing the description it is commenced at the standard post planted at the intersection of the lot line and the base line which standard post is described as approximately sixteen chains north of the river bank, by scaling the additional distance on the plan from the standard post and stone mound. In this description based upon the plan confirmed by the Surveyor General the meaning of the word bank would clearly be as defined in the Manual of Instructions for the Survey of Dominion Lands.

Example VI.



The plan to the left shows the centre line of the right-of-way of the Canadian railway in the province of Saskatchewan crossing section 24, as shown on the plan of township 28, range 10, west of the Third meridian, approved and confirmed at Ottawa, on the 15th of June, 1914, by Edouard Deville, Surveyor General of Dominion Lands, and of record in the Department of the Interior. The right-of-way extends fifty feet on each side of the centre line. Make the description for the right-of-way.

DESCRIPTION

All that part of section twenty-four in township twenty-eight, range ten, west of the Third meridian, in the province of Saskatchewan, as the said section is shown on a plan of survey of said township approved and confirmed at Ottawa on the fifteenth day of June, nineteen hundred and fourteen, by Edouard Deville, Surveyor General of Dominion Lands, and of record in the Department of the Interior at Ottawa, which said part is taken for the right-of-way of the Canadian railway and lies between two lines drawn parallel to and perpendicularly distant fifty feet from and on opposite sides of the centre line of said railway, which said centre line may be more particularly described as follows: Commencing at a point on the east boundary of said section distant nineteen hundred and thirty-two feet southerly from the northeast corner of said section; thence on a bearing of two hundred and seventy degrees a distance of twenty-one hundred and twelve feet; thence on a tangential curve to the left, having a radius of fifteen hundred feet a distance of twenty-three hundred and fifty-six feet and one-tenth of a foot; thence on a tangent having a bearing of one hundred and eighty degrees a distance of eighteen hundred and forty-eight feet, more or less, to a point on the south boundary of said section distant sixteen hundred and sixty-eight feet, more or less, from the southwest corner of said section.

NOTES

This is a simple case which indicates the form of description for a railway right-of-way. In this case the length of the radius of the curve is given which means that it must be a circular curve. If the curve was described as a 2° or 3° curve it is desirable for perfect clarity to describe it as a tangential circular

curve. The curve described in this case is actually a tangential circular curve but in practical railway operation the curves are generally "eased off" by a transition or spiral at the ends (which may be put in by different formulae as adopted by different railway companies). An "eased" curve cannot be described in words with any degree of facility and in practice it is not attempted, the description being by direct reference to the plan. On modern railway right-of-way plans the transition curve is shown on the plans. The measurement of 1,734 feet is to the post at the southeast corner of section 23 and so the distance to the southwest corner of section 24 is less by sixty-six feet, the width of the road allowance. While the question does not require it the area is usually added at the end using the same form as in Example I:

the said part containing by admeasurement an area of fourteen acres and fifty one-hundredths of an acre, more or less.

When the description is written after the railway line is built, the words "as such railway is now constructed on the ground," or words of similar meaning, are often inserted by the corporation lawyers in the forms of transfer prepared. This is done in an effort to more closely identify the strip in question, should the description itself in any way be deficient. In the example above, these words would be placed after the words "centre line of said railway" in the preamble.

Example VII.

The Canadian railway crosses, on a tangent, sections 22, 23 and 24, as shown on the plan of township 28, range 10, west of the Third meridian, approved and confirmed at Ottawa on June 15, 1914, by Edouard Deville, Surveyor General of Dominion Lands, and of record in the Department of the Interior. The centre line intersects the east boundary of section 23, which has a bearing of $359^{\circ} 58'$, at a point 792 feet south of the northeast corner and at an angle of 60° ; the centre line continues a distance of 6096.9 feet and intersects the west boundary of the section which has a bearing of $359^{\circ} 58'$ at a point 1439.6 feet north of the southwest corner. The right-of-way extends 50 feet on each side of the centre line. Make the description for the right-of-way in section 23.

DESCRIPTION

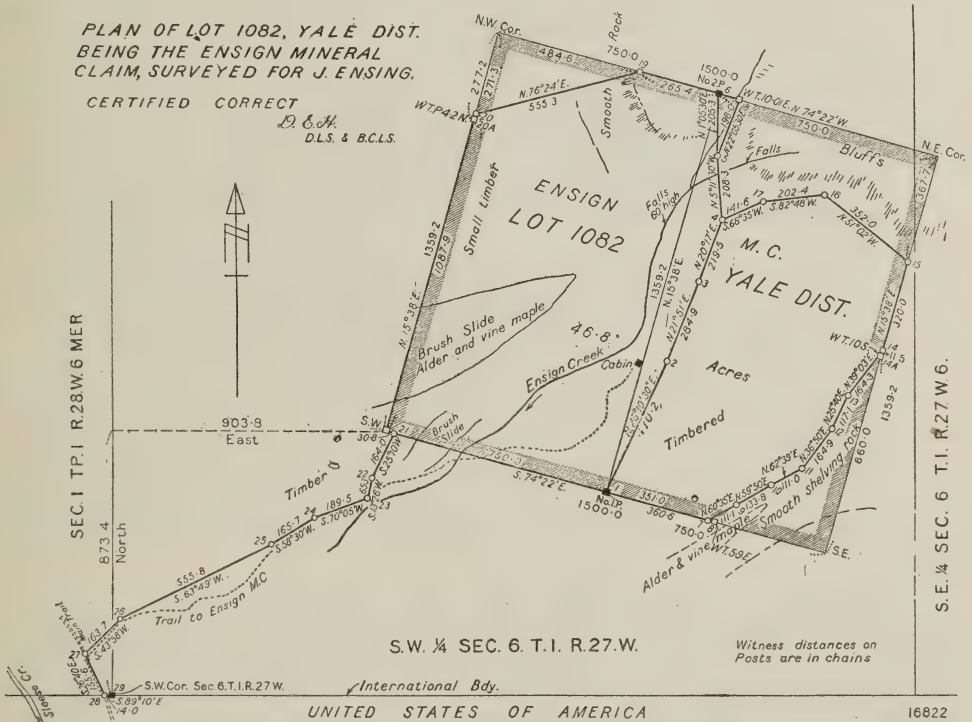
All that portion of section twenty-three in township twenty-eight range ten, west of the Third meridian, in the province of Saskatchewan, as the said section is shown on a plan of survey of said township approved and confirmed at Ottawa on the fifteenth day of June, nineteen hundred and fourteen, by Edouard Deville, Surveyor General of Dominion Lands, and of record in the Department of the Interior at Ottawa, which said portion is taken for the right-of-way of the Canadian railway and lies between two lines drawn parallel to, and perpendicularly distant fifty feet from and on opposite sides of the centre line, and the centre line produced of said railway, which centre line may be more particularly described as follows: Commencing at a point on the east boundary of said section distant seven hundred and ninety-two feet southerly from the northeast corner of said section; thence on a bearing of two hundred and thirty-nine degrees and fifty-eight minutes, a distance of six thousand and ninety-six feet and nine-tenths of a foot, more or less, to a point on the west boundary of said section distant one thousand four hundred and thirty-nine feet and six-tenths of a foot, more or less, from the southwest corner of said section.

NOTES

This is another simple case which indicates the form of description commonly used for a railway right-of-way and is dependent upon certain widths taken on opposite sides of the centre line which is more particularly described. In this case, as the centre line does not intersect the boundaries of the parcel of land crossed by the railway precisely at right angles, it is necessary to add that the portion taken for right-of-way lies between two parallel lines perpendicularly distant from and on opposite sides of the centre line and the centre line produced. Otherwise it might be held that the strip of right-of-way taken is terminated at each end by the perpendiculars drawn from the two extremities of the centre line where it intersects the boundaries of the parcel of land crossed by the railway and this would leave excluded from the right-of-way a triangular bit of land at each end and on opposite sides of the centre line.

Example VIII.

It is required to make a description of the Ensign mineral claim in accordance with the following plan of survey which was prepared.



DESCRIPTION

That certain parcel or tract of land situate in the south half of section six in the first township, in the twenty-seventh range, west of the Sixth meridian, in the province of British Columbia, comprising the Ensign mineral claim, being lot one thousand and eighty-two of the New Westminster mining division, of the Yale district, in the said province, which said parcel or tract may be more particularly described as follows:—

Commencing at a standard post in a stone mound distant eight hundred and seventy-three feet and four-tenths of a foot, more or less, north, and nine hundred and three feet and eight-tenths of a foot, more or less, east from an iron post in a stone mound, marking the southwest corner of the said section six, as the said iron post and stone mound is shown on a plan of the said township approved and confirmed at Ottawa, on the twenty-fourth day of November, one thousand nine hundred and nine, by Edouard Deville, Surveyor General of Dominion Lands; thence north fifteen degrees and thirty-eight minutes east a distance of one thousand three hundred and fifty-nine feet and two-tenths of a foot, more or less, to a point, which said point is north fifteen degrees and thirty-eight minutes east a distance of four chains and twenty links from a witness standard post in a stone mound; thence south seventy-four degrees and twenty-two minutes east a distance of one thousand five hundred feet, more or less, to a point, which said point is south seventy-four degrees and twenty-two minutes east a distance of ten chains and one link from a witness standard post in a stone mound; thence south fifteen degrees and thirty-eight minutes west a distance of one thousand three hundred and fifty-nine feet and two-tenths of a foot, more or less, to a point, which said point is south fifteen degrees and thirty-eight minutes west a distance of ten chains, more or less, from a witness standard post in a stone mound, and which said point is also south seventy-four degrees and twenty-two minutes east a distance of five chains and ninety links, more or less, from a witness standard post in a stone mound; thence north seventy-four degrees and twenty-two minutes west a distance of one thousand five hundred feet, more or less, to the point of commencement; the said parcel containing by admeasurement forty-six acres and eight-tenths of an acre, more or less; all the said bearings being astronomic; all according to the plan of the said Ensign mineral claim, signed by D. E. H. (name in full), Dominion and British Columbia Land Surveyor, and dated the seventh day of March, one thousand nine hundred and twenty-one, and of record in the Department of the Interior, Ottawa, under number sixteen thousand eight hundred and twenty-two.

NOTES

It may first be explained that this claim was staked under regulations which allow an area not exceeding 1,500 feet square; and the two stakers' posts, No. 1 post and No. 2 post, fix the four corners of the claim each respectively 750 feet perpendicularly distant from and on opposite sides of the straight line joining No. 1 and No. 2 posts. The terrain is rough and mountainous and for this reason the claim has been surveyed by running traverses over the less rugged ground and the inaccessible corners have been marked by witness monuments.

The point of commencement was actually tied to the southwest corner of section 6 by a traverse comprised of a good many courses but for the sake of brevity the location of the point of commencement is described by giving its rectangular co-ordinates, as computed from the traverse; that is to say, there is given one distance (north) along the section line and another distance (east) which is at right angles to the section line. The description of the boundary

DESCRIPTION

That certain portion of the bed of Fraser river fronting on a parcel, which is a part of lot three hundred and ninety-eight, group one, in township twelve, east of the Coast meridian in the New Westminster district, in the province of British Columbia, as the said part is shown on a plan deposited in the Land Registry Office at New Westminster under number four thousand eight hundred and seventy-eight and to which said parcel the distinguishing letter "M" has been given, and which said portion of the bed of river may be more particularly described as follows:—

Commencing at the most easterly corner of the said parcel "M"; thence south twenty-eight degrees and seventeen minutes west a distance of one hundred and nineteen feet and eight-tenths of a foot to a point; thence north sixty-four degrees and twenty minutes west a distance of five hundred and thirty-nine feet and one-tenth of a foot, more or less, to the point of intersection with the westerly boundary of said parcel "M" produced southerly; thence north twelve degrees, nine minutes and thirty seconds east along the said production of said west boundary a distance of sixty-five feet, more or less, to the southwest corner of said parcel "M"; thence southeasterly along the southerly boundary of said parcel "M" a distance of five hundred and sixty-five feet, more or less, to the point of commencement; the said portion containing by admeasurement an area of one acre and thirteen-hundredths of an acre, more or less; the said bearings being astronomic, and all according to the plan signed by A-B-C (name in full), Dominion and British Columbia Land Surveyor, on the thirty-first day of July, one thousand nine hundred and twenty-five, and of record in the Department of the Interior, Ottawa, under number thirty-three thousand nine hundred and ninety-nine.

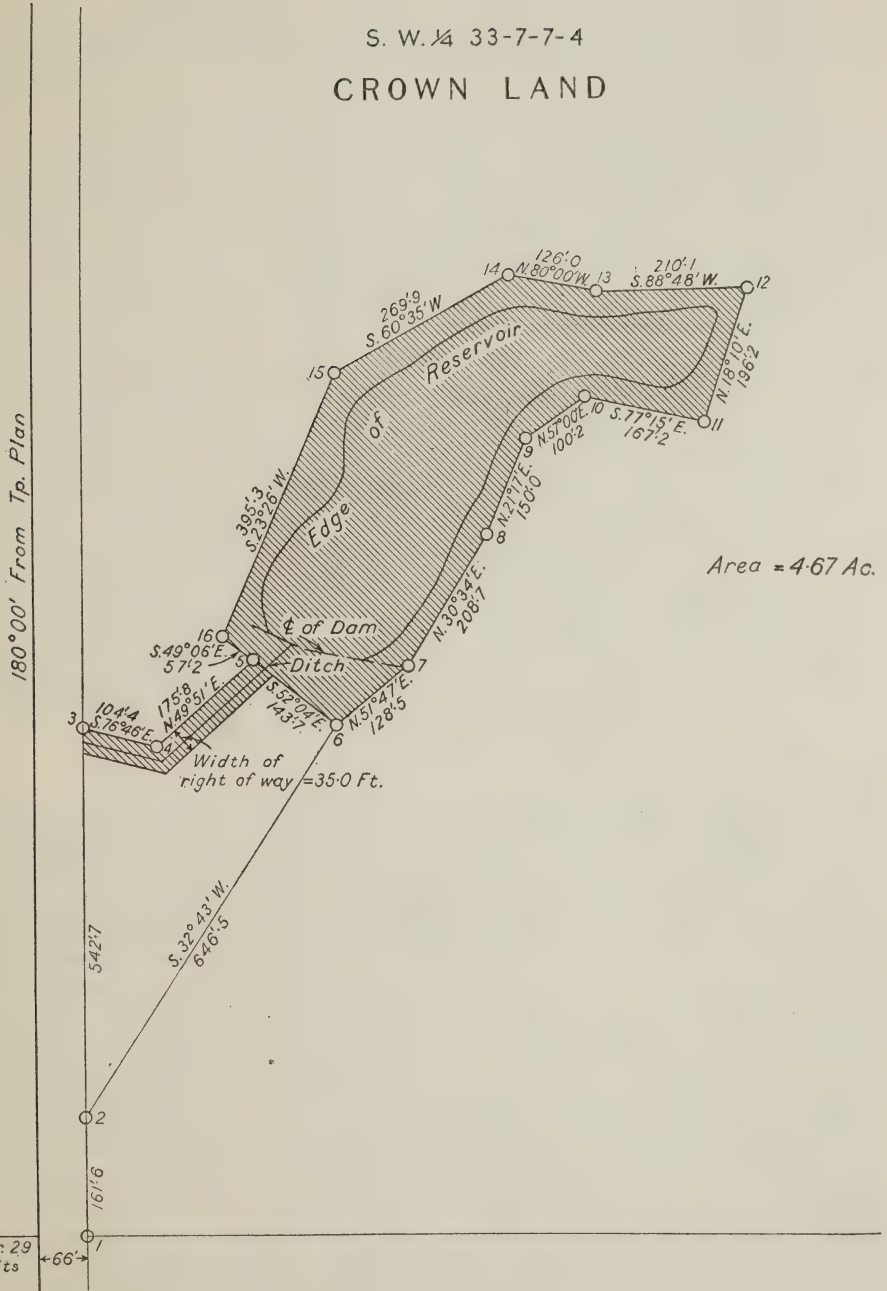
NOTES

In this description it will be noted that the words "portion," "part" and "parcel" appear. Each of these words, in each case, refers to a definite thing and care has been taken not to interchange them. This brings out a point that in writing descriptions it is an excellent rule for the avoidance of ambiguity to select a suitable word to describe one thing and then throughout use that same word and no other to describe the same thing and no other thing. The rule is the reverse of that used by popular writers who, to avoid repetition of the same word designedly use different but synonymous words to describe the same thing.

In the example it is necessary to describe a *portion* of the bed of Fraser river and to refer to *parcel* "M" which is *part* of lot 398. Should these words be interchanged there would be room for ambiguity.

Example X.

The following is a plan of reservoir site and ditch right-of-way thereto in connection with the irrigation scheme of John Blank in the southwest quarter of section 33, township 7, range 7, west of the Fourth meridian, surveyed by Frank Doe, Dominion Land Surveyor, September 21 and 22, 1923. Circles denote instrument stations only, these points being not permanently marked upon the ground. Make a description of the parcel comprising the site and right-of-way to be inserted in a Licence of Occupation which it is proposed to grant, to which document a copy of the plan will be attached.



DESCRIPTION

All that portion of the southwest quarter of section thirty-three in township seven, range seven, west of the Fourth meridian, which may be more particularly described as follows: Commencing at a point on the westerly boundary of said quarter-section distant seven hundred and four feet and three-tenths of a foot northerly from the southwest corner of said quarter-section; thence south seventy-six degrees and forty-six minutes east a distance of one hundred and four feet and four-tenths of a foot to a point; thence north forty-nine degrees and fifty-one minutes east a distance of one hundred and seventy-five feet and eight-tenths of a foot to a point; thence north forty-nine degrees and six minutes west a distance of fifty-seven feet and two-tenths of a foot to a point; . . . (and so on following round the boundaries of the reservoir site, in a similar manner, to the station marked 6) . . . ; thence north fifty-two degrees and four minutes west a distance of one hundred and seven feet and nine-tenths of a foot to a point; thence south forty-nine degrees and fifty-one minutes west a distance of two hundred feet and eight-tenths of a foot to a point; thence north seventy-six degrees and forty-six minutes west a distance of one hundred and thirteen feet and eight-tenths of a foot, more or less, to the point of intersection with the westerly boundary of said quarter-section; thence northerly along said westerly boundary a distance of thirty-six feet to the point of commencement; all bearings being derived from that of the westerly boundary of said quarter-section taken as due north and south, the portion described being as shown on the plan of survey hereto attached and signed by Frank Doe, Dominion Land Surveyor, and containing by admeasurement four acres and sixty-seven hundredths of an acre more or less.

NOTES

This survey is not all that is to be desired for the purpose intended because it is not monumented, the circles shown denoting only instrument stations unmarked upon the ground. The plan was not prepared for registration and really is an example of an attached explanatory plan. While the reservoir site and the ditch right-of-way thereto naturally present themselves as one parcel for description the survey was not made so as to facilitate this treatment because while the reservoir site was enclosed by a traverse, only one boundary of the ditch right-of-way was surveyed, presumably with the intention of allowing a strip thirty-five feet in width on one side of it to include the ditch. It is difficult if not impossible to combine in one description the method of describing a closed figure and the method of describing a "strip" and so to utilize only the boundaries surveyed would necessitate describing two separate parcels, one of the reservoir site and the other of the ditch right-of-way, which method may be considered clumsy and entails some difficulties in ensuring that the two descriptions will fit together and that the ditch right-of-way will include *all* the length between the west boundary of the quarter-section and the boundary of the reservoir site which it joins. In describing the whole area as one parcel the lengths of the unsurveyed boundaries of the ditch right-of-way have been calculated which may be a weakness because if there have been errors in the survey they will be thrown into the courses calculated for one boundary of the ditch

right-of-way and, therefore, the ditch right-of-way might not be 35 feet in perpendicular width. The tie course from stations 2 to 6 is desirable as strengthening the survey but may be omitted from the description as has been done.

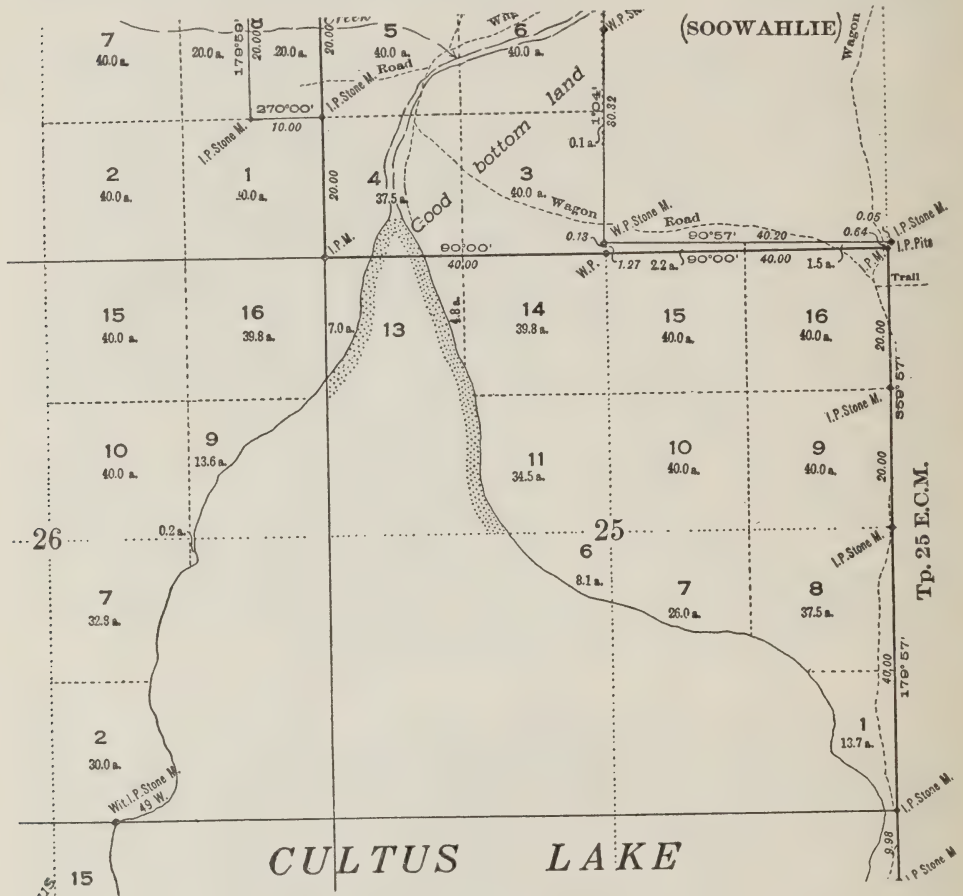
If it were considered essential to ensure that the ditch right-of-way has a perpendicular width of 35 feet the following description in two parcels would be preferable:—

All those portions of the southwest quarter of section thirty-three in township seven, range seven, west of the Fourth meridian, which may be more particularly described as follows: Firstly, beginning at the southwest corner of the said quarter-section, thence northerly along the west boundary of said quarter-section, a distance of one hundred and sixty-one feet and six-tenths of a foot to station numbered two; thence north thirty-two degrees and forty-three minutes east, a distance of six hundred and forty-six feet and five-tenths of a foot to station numbered six, being the point of commencement; thence north fifty-one degrees and forty-seven minutes east, a distance of one hundred and twenty-eight feet and five-tenths of a foot to station numbered seven; thence north thirty degrees and thirty-four minutes east, a distance of two hundred and eight feet and seven-tenths of a foot to station numbered eight; . . . (and so on following round the boundaries of the right-of-way enclosing the reservoir, in a similar manner, to the station marked 16) . . . ; thence south forty-nine degrees and six minutes east, a distance of fifty-seven feet and two-tenths of a foot to station numbered five; thence south fifty-two degrees and four minutes east, a distance of one hundred and forty-three feet and seven-tenths of a foot, more or less, to station numbered six, the point of commencement; and

Secondly, all that portion of the said quarter-section which lies between the following described line and a line drawn parallel thereto and thirty-five feet perpendicularly distant southerly therefrom: commencing at a point on the westerly boundary of said quarter-section being station numbered three, distant five hundred and forty-two feet and seven-tenths of a foot, measured northerly along the said westerly boundary from said station numbered two; thence south seventy-six degrees and forty-six minutes east, a distance of one hundred and four feet and four-tenths of a foot to station numbered four; thence north forty-nine degrees and fifty-one minutes east, a distance of one hundred and seventy-five feet and eight-tenths of a foot, more or less, to said station numbered five; the said strip extending from the said westerly boundary of said quarter-section to the course from station numbered five to station numbered six, described above; all bearings being derived from that of the westerly boundary of said quarter-section assumed as due north and south; both the portions above described being as shown on the plan of survey hereto attached and signed by Frank Doe, Dominion Land Surveyor, and containing by admeasurement together four acres and sixty-seven hundredths of an acre, more or less.

Example XI.

It is required to prepare a description for a lease to the township of Chilliwack in the province of British Columbia of a strip 100 feet wide of the foreshore of Cultus lake in legal subdivisions 11, 13 and 14 of section 25, and legal subdivision 4 of section 36, all in township 22 E.C.M.

**DESCRIPTION**

All and singular that certain portion of the foreshore of Cultus lake situate in legal subdivisions eleven, thirteen and fourteen of section twenty-five and legal subdivision four of section thirty-six in the twenty-second township, east of the Coast meridian, in the province of British Columbia, lying between the bank of said lake as shown on a plan of the northeast quarter of the said township approved and confirmed at Ottawa, on the ninth day of April, one thousand nine hundred and fourteen, by Edouard Deville, Surveyor General of Dominion Lands, and a line on the lakeward side of the said bank which conforms to the sinuosities of the aforesaid bank and is one hundred feet distant therefrom; containing by admeasurement an area of ten acres, more or less.

NOTES

This example includes the use of suitable language for describing a strip of constant width from and conforming to a sinuous line which in this case is the bank of the lake. It is interesting to note the situation which arises in this case at the mouth of the river entering the lake in legal subdivision four because here there is no bank. It may be assumed that here the limit of the lease, taking the place of the bank, is the line crossing the river which fixes its mouth, but here again it is a nice point to decide just where this line is.

If it were required to describe a strip of constant width from and along a straight line boundary the distance therefrom would be described as "*perpendicularly* distant therefrom." If it were required to describe a strip of constant width from and along a circular curve the distance therefrom would be described as "*radially* distant therefrom."

The *foreshore* or *shore* has been defined as the strip of land lying along tidal water, over which the daily tide ebbs and flows; it is the space between high and low water marks at ordinary tides. Cultus lake is not tidal water but the word *foreshore* is used in this case because by "usage" its meaning has, in British Columbia, been extended to include the marginal strip around and within water areas comprised of other than tidal water.

